

Amended Order of the Secretary of the Pennsylvania Department of Health Requiring Skilled Nursing Care Facilities to Make Daily Reports of Specified Data Regarding Supplies and Equipment

On April 21, 2020, I ordered all skilled nursing care facilities within the Commonwealth to report necessary data through the Knowledge Center Survey (Survey). This was ordered to protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease. The Department of Health (Department) has changed the survey to be used and this updated order supersedes the order dated April 21, 2020.

As of December, 24, 2020, I am hereby ordering skilled nursing care facilities within the Commonwealth to report specified items as directed below for the purpose of managing supplies and equipment, and to help to manage the pandemic response. This information is needed due to development of “community spread” of COVID-19. On March 6, 2020, the Governor issued a Proclamation of Disaster Emergency due to the emergence of COVID-19 in the United States and the Commonwealth of Pennsylvania. Since the Commonwealth of Pennsylvania confirmed its first case of COVID-19, positive cases continue to rise. As of December 23, 2020, the Commonwealth of Pennsylvania has over 571,000 positive cases of COVID-19 and over 14,200 deaths from the virus.

The Commonwealth’s attempts to mitigate the effects of COVID-19 continue, but the number of cases and deaths in skilled nursing facilities is continuing to rise. COVID-19 has stretched the limits of health care systems in other states and in other countries. Although we have attempted to use lessons learned from across the country and the world to protect this Commonwealth, the possibility still remains that COVID-19 will overtax part or all of our Commonwealth’s health care systems, including our skilled nursing facilities. To continue preparations for a medical surge as best we can, and to determine where best to place assets to aid our health care systems and protect the Commonwealth it is necessary for those facilities to work with the Department and to provide it with the most current information on the availability of beds, staff, supplies and other essential items. Maintaining a consistent and constant flow of information between nursing care facilities and the Department is essential in managing the medical surge that this current pandemic is likely to bring. Therefore, on this day, December 24, 2020, under the authority granted to me by law, I hereby order the following:

Effective immediately and extending until further order, all nursing care facilities licensed in this Commonwealth are instructed to complete the Nursing Care Facility Survey (Survey) in a manner proscribed by the Department. Facilities must complete the fields of the Survey indicated to be

mandatory at 0800 every day. Further, if any non-mandatory field has changed from the initial submission, the facility must update that field on the next calendar day's submission.

The Department recognizes the tireless efforts made by health care professionals throughout this current emergency and that they are the front line of the response to this health care crisis. In order to support those efforts, the Department must have the most timely and accurate information available. The information contained in the Survey is crucial for the Department's ongoing efforts to allocate resources and plan for mitigation efforts. The Department's Order today is designed to ensure that the Department has all the information necessary to effectively battle this pandemic.

COVID-19 is a threat to the public's health, for which the Secretary of Health may order general control measures. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. *See* Section 5 of the Disease Prevention and Control Law, 35 P.S. §§ 521.1; 521.5, sections 2102(a) and 2106 of the Administrative Code of 1929, 71 P.S. § 532(a) and 536 and the Department's regulations found at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures). Particularly, the Department has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. *See* 35 P.S. §§ 521.5; 71 P.S. § 532(a), and 1402(a); 28 Pa. Code § 27.60.

Pursuant to the regulations promulgated under the Health Care Facilities Act, 35 P.S. § 448.801-904(b), nursing care facilities are required to report on forms issued by the Department, census, rate and program occupancy information as the Department may request. *See* 28 Pa. Code § 201.14(h). The Survey is related to the facility's census and program occupancy.

Additionally, nursing care facilities must maintain minimum standards as set by the Department. *See* 28 Pa. Code § 201.14(a). The Department is informing you that minimum standards require your timely completion of the survey. Additionally, maintaining minimum standards requires following any disease control measure ordered by the Secretary of Health under the authority afforded to her by law and regulation. The current Order is such an order.

The Department determines that the appropriate disease control measure based upon COVID-19, the manner of its spread in the Commonwealth and in the world, and its danger to Pennsylvanians, is for health care facilities to provide the information in the Survey daily at the time prescribed.

Accordingly, it is hereby ordered that all nursing care facilities shall complete the Survey once a day. This Order shall take effect immediately and supersedes the order dated April 21, 2020 and remain in full force and effect until further order.

A handwritten signature in black ink, appearing to read "RLV MD", written over a horizontal line.

Rachel Levine, MD
Secretary of Health